

STATE OF MAINE

SUPREME JUDICIAL COURT  
Docket No. Oxf-04-641

WILLIAM GROVER

vs.

ORDER ON MOTIONS  
FOR RECONSIDERATION

BOISE CASCADE CORPORATION

This matter is before the Court on the motions for reconsideration filed by appellee William Grover and appellant Boise Cascade Corporation in response to the Court's opinion certified on September 15, 2004.

Appellee William Grover's motion correctly asserts that the Court's opinion erroneously states in footnote 9 that Grover failed to file a timely notice of appeal. It is accordingly ORDERED that appellee William Grover's motion for reconsideration is granted, and footnote 9 of the Court's opinion is revised as follows:

<sup>9</sup> Grover filed a timely cross-appeal and asserts before us that the trial court erred by refusing to instruct the jury on the doctrine of *res ipsa loquitur*. We do not address this assertion because this matter is remanded and the trial court will have to determine whether a *res ipsa loquitur* instruction is supported by the evidence introduced at the new trial.

Appellant Boise Cascade Corporation's motion asserts that the Court's opinion should have addressed whether the trial court erred by denying appellant's motion for judgment as a matter of law. Because the trial court's denial of the motion for judgment as a matter of law was not error and this issue does not warrant the revision of the Court's opinion, it is ORDERED that appellant's motion for reconsideration is denied.

Dated: October 21, 2004

For the Court

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Jon D. Levy, Associate Justice  
Supreme Judicial Court